



FREDERICK COUNTY PLANNING COMMISSION
June 12, 2019

TITLE: **Westview South Residential, Phase III**

FILE NUMBER: **S-905, AP 19262 (APFO 19263,
FRO 19264)**

REQUEST: **Preliminary Subdivision Plan Approval**
The Applicant is requesting preliminary subdivision plan approval for the development of 42 single-family attached dwellings (townhomes) on a 3.1-acre site.

PROJECT INFORMATION:

ADDRESS/LOCATION: North side of Delegate Place, 800 feet northeast of the intersection of New Design Road and Executive Way

TAX MAP/PARCEL: Tax Map 86, Parcel 269

COMP. PLAN: Office/Research/Industrial (ORI)

ZONING: Mixed Use Development (MXD)

PLANNING REGION: Frederick

WATER/SEWER: W-3/S-3

APPLICANT/REPRESENTATIVES:

APPLICANT: WVS Parcel 400, LLC (Matan Properties, LLC)

OWNER: WVS Parcel 400, LLC (Matan Properties, LLC)

ENGINEER: Harris, Smariga & Associates

ARCHITECT: N/A

ATTORNEY: N/A

STAFF: Tim Goodfellow, Principal Planner II

RECOMMENDATION:

Conditional Approval

ATTACHMENTS:

Exhibit 1 -- Westview South Residential Phase III Site Plan Rendering
Exhibit 2 -- LOU Amendment

STAFF REPORT

ISSUE

Development Request

The Applicant is requesting preliminary subdivision plan approval for the development of 42 townhome lots in the final section of the Westview South Residential project. The 3.1-acre site was previously included as a remainder parcel for Section II of the project, and is now described as Phase III. All lots in the prior sections of Westview South Residential (Phases 1.1, 1.2, 1.3A, 1.3B, 1.3C and 2) have been recorded. Phase III proposes 42 townhome lots and will result in a total of 490 residential units within the overall project. Table 1.0 and Graphic #1 describe and depict the configuration and breakdown of lots and Phases within Westview South Residential.

The project is subject to the requirements of the Phase I rezoning, the Frederick County Zoning Ordinance, Section 1-19-110.500 (*Planned Development Districts – MXD Provisions*) and Section 1-19-3.300 (*Site Development Plan Review*) and, for this report, Chapter 1-16 (*Subdivision Rules and Regulations*). The project is being reviewed as “Townhouse” under the use heading of Residential per §1-19-5.310 in the Zoning Ordinance.

Graphic # 1 Westview South Residential, Phase III – Project Phases

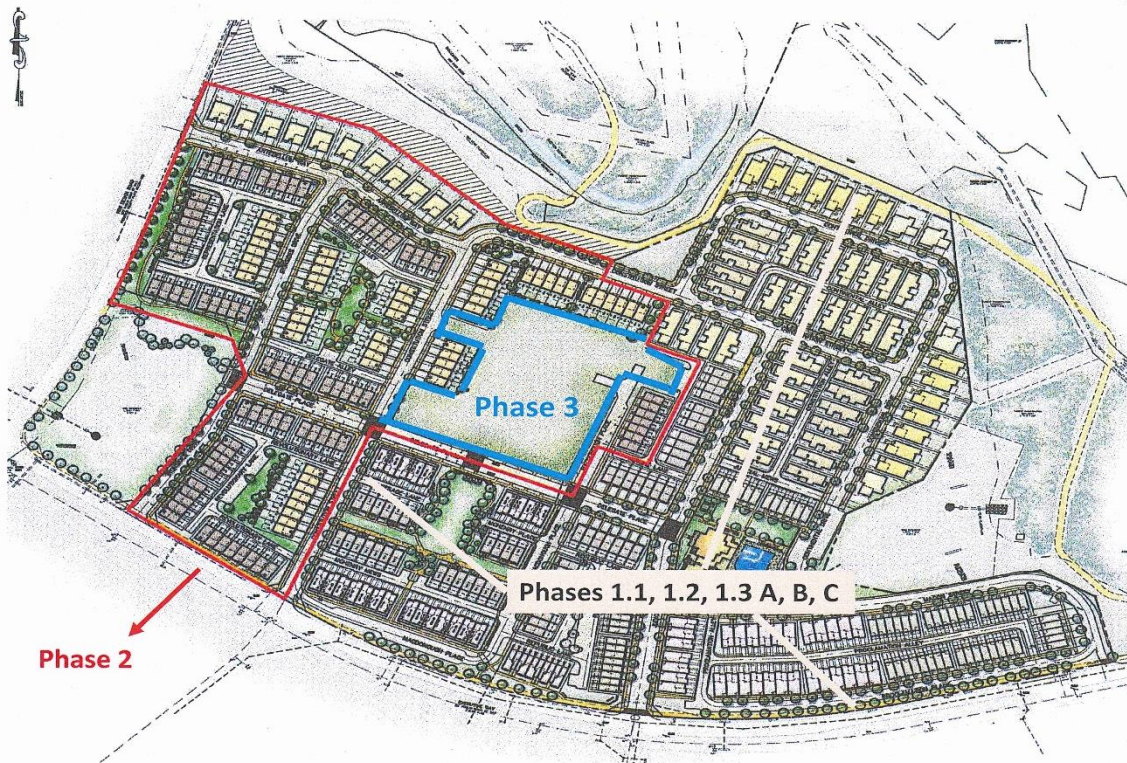


Table 1.0 Westview South Residential, Phase III – Dwelling Units

Westview South- Residential Section			
Dwelling Units – Type & Quantity			
	Currently Approved Plan (includes all Phases)	Proposed Phase 3	New Overall Total (includes all Phases)
Single-family Detached	66 (front loaded: 29) (rear/alley loaded: 37)	0	66 (front loaded:29) (rear/alley loaded: 37)
Townhome	264 (front loaded: 56) (rear/alley loaded: 208)	42 (front loaded: 23) (rear/alley loaded: 19)	306 (front loaded: 79) (rear/alley loaded: 227)
“2 over 2” condo.	118	0	118
Multi-family	0	0	0
TOTAL	448	42	490

BACKGROUND

Development History

The Westview South Residential project is a portion of the overall Westview South MXD. The site was zoned Agricultural from 1959 to 1986, at which time it was rezoned to Office/Research/Industrial. The site is currently zoned MXD, applied in 1994.

Several portions of the overall Westview South project have been constructed, including a commercial area along MD 85 and an employment area along New Design Road and Executive Way. In addition, the site includes portions of the Ballenger Creek Trail, a community swimming pool, and a clubhouse/community center. The project is subject to a Development Rights and Responsibilities Agreement (DRRA) dated June 13, 2013.

The residential portion is currently under construction. Several revisions to the residential sections of Westview South have been made since its original 2014 subdivision and site plan approvals. Section III will complete the residential portion of the Westview South project, resulting in a total of 490 residential units.

Existing Site Characteristics

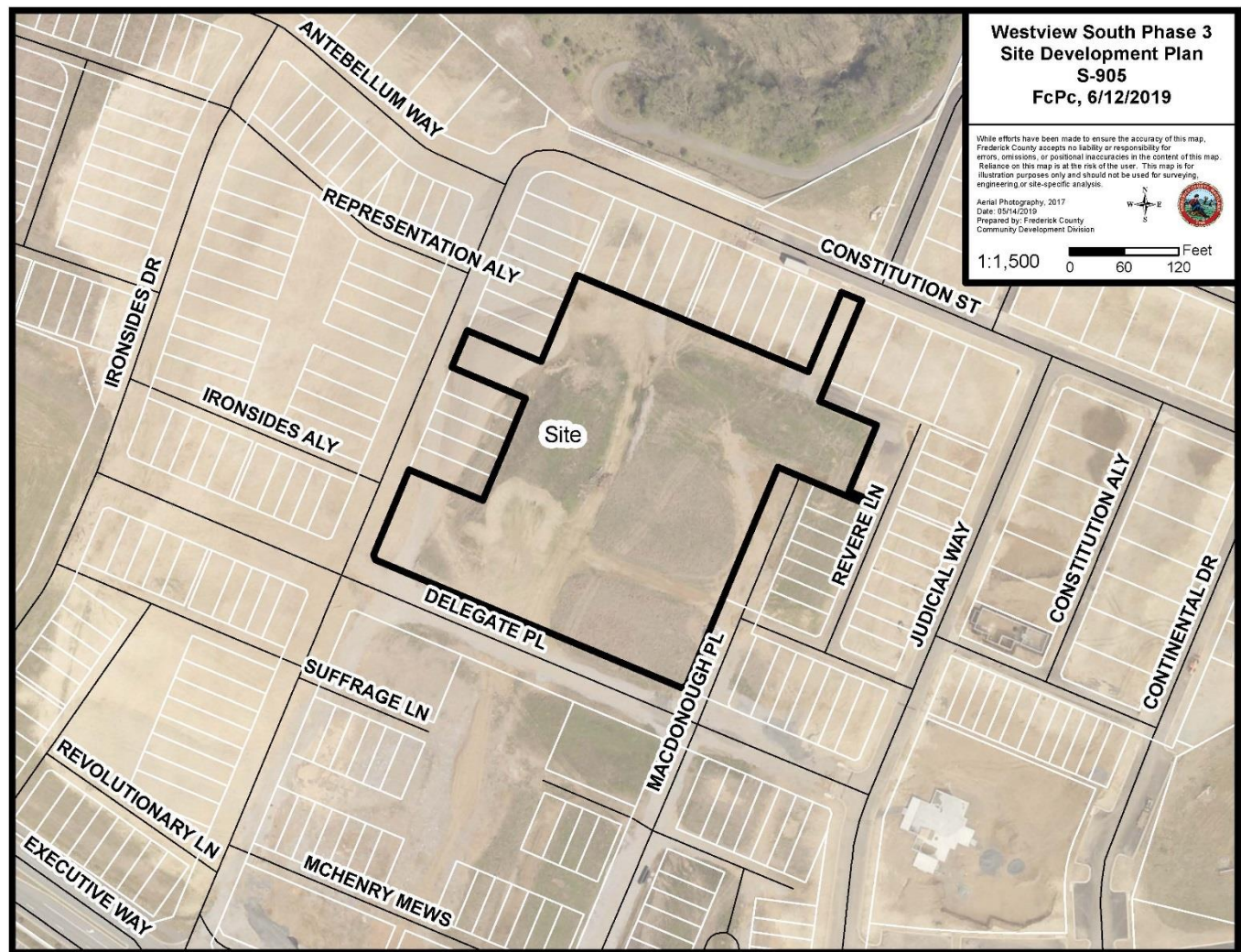
The project site is surrounded by MXD zoning to the north, south, east and west. The properties to the south are designated for employment uses with properties to the east beyond Ballenger Creek developed with a mixture of commercial uses. The project is bound on the west side by New Design Road.

Ballenger Creek crosses the northern portion of the Westview South Residential project area, flowing from northwest to southeast into the Monocacy River to the east. Areas of the Site along Ballenger Creek are within the Federal Emergency Management Agency (FEMA) 100 year floodplain. However, the floodplain is located within the area of the project that was dedicated to the County for park purposes, and therefore no residential development is proposed within the floodplain. There are no steep slopes within the residential portion of the Project.

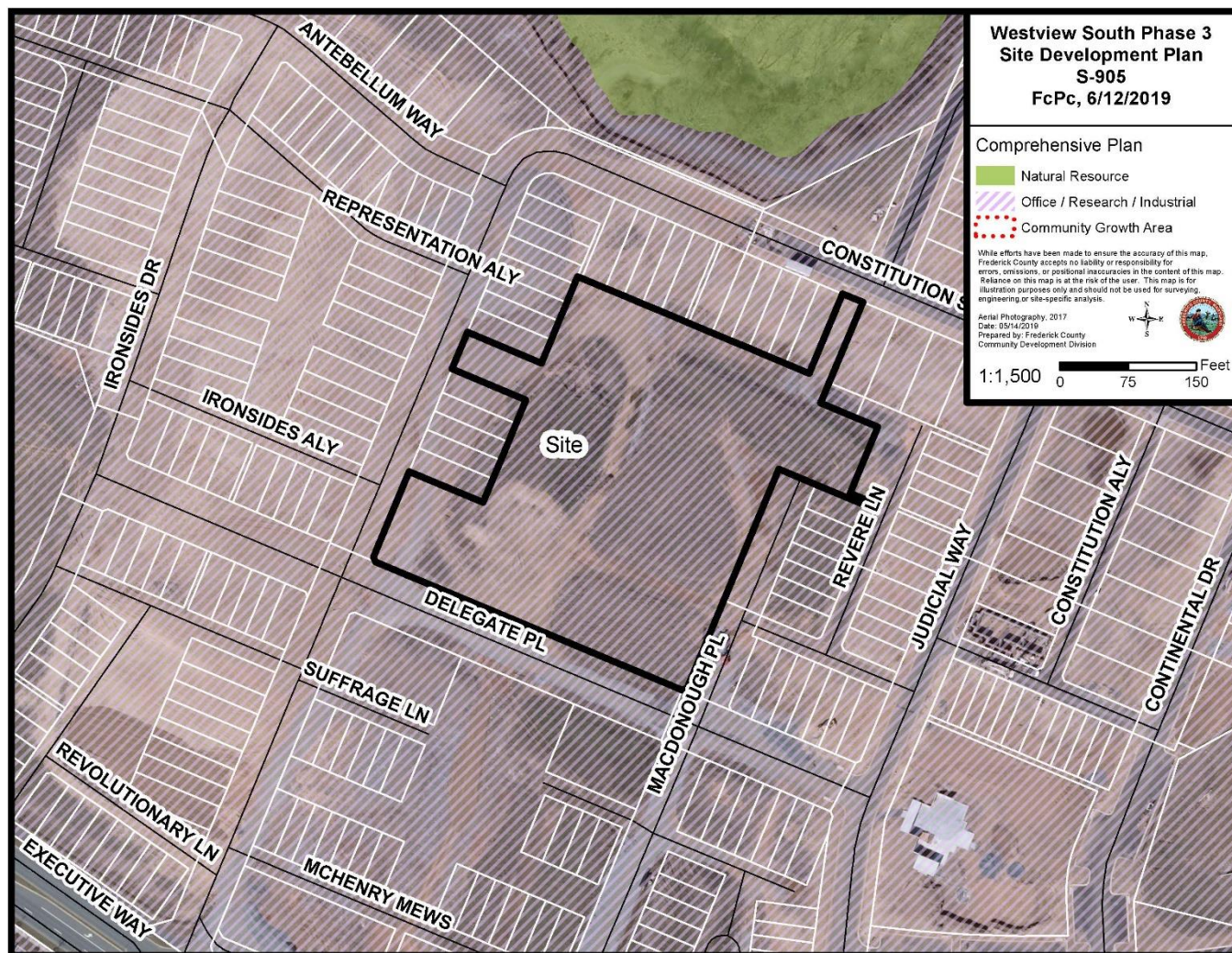
The Site has frontage and access along New Design Road and Executive Way. The Site is served by Tuscarora Elementary School, Crestwood Middle School, and Tuscarora High School.

The following graphic outlines the Phase III area within the Westview South Residential MXD project.

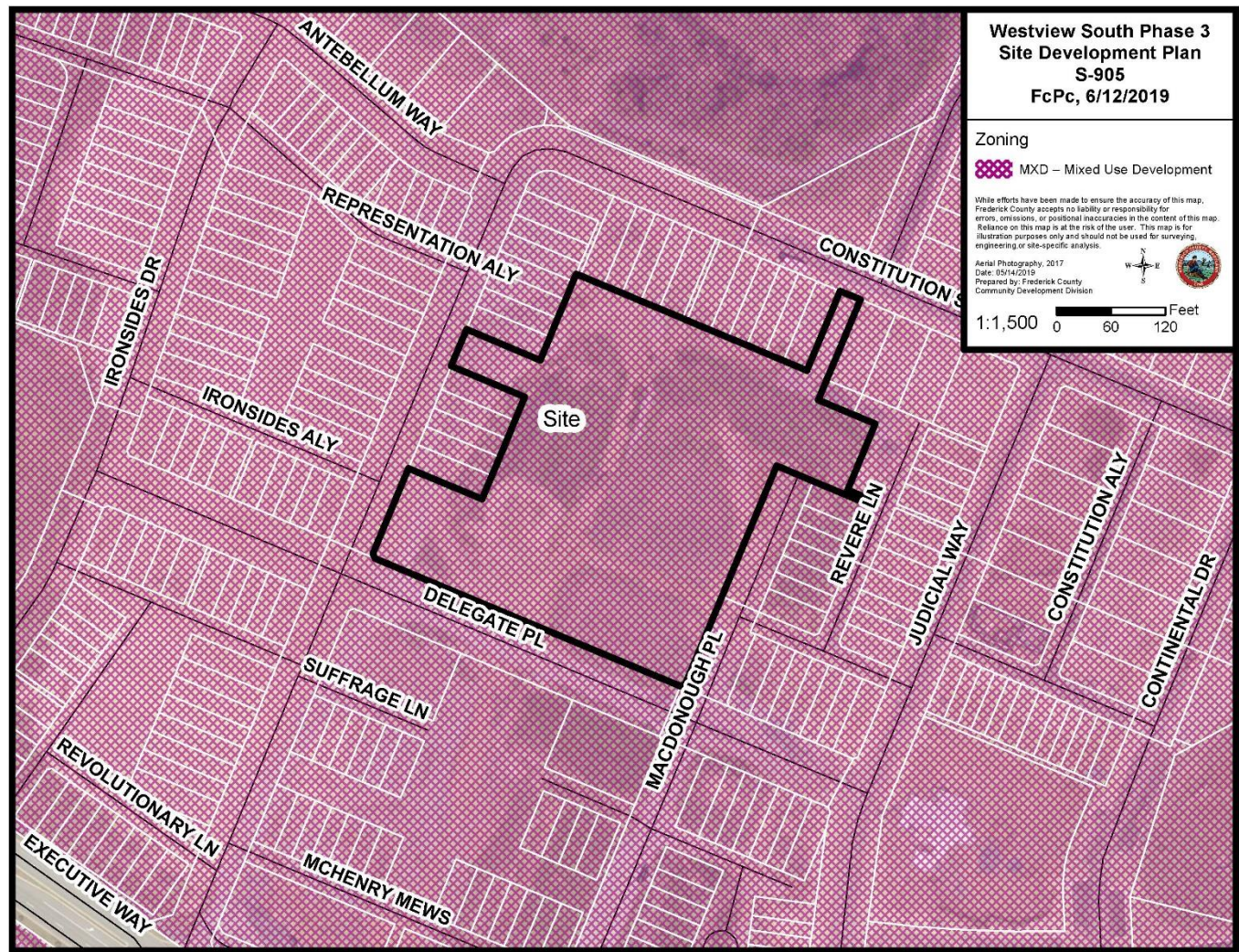
Graphic # 2 Westview South Residential, Phase III – Aerial Photography



Graphic # 3 Westview South Residential, Phase III – Comprehensive Plan



Graphic # 4 Westview South Residential, Phase III – Zoning



ANALYSIS

Summary of Development Standards Findings and Conclusions

Phase III of Westview South Residential continues the variety of lay-out and design of townhomes in previously-approved sections of Westview South. A nearly equal mixture of designs in Phase III is made with conventional driveways and garages in the front of townhomes ('front-loaded') [23 units], and rear-loaded townhomes [19 units] with vehicular access to garages in the back of lots through alleys, which is a superior design for pedestrian safety, traffic efficiency and aesthetic considerations in a high-density residential neighborhood.

Detailed Analysis of Findings and Conclusions

Preliminary Subdivision Plan approval is determined based upon the requirements found in Chapter 1-16 of the Frederick County Code.

SITE DEVELOPMENT

- **Land Requirements 1-16-217 (A) & (B)**

The land use pattern of the comprehensive development plan and the district regulations of the Zoning Ordinance shall form the basic theme of the design pattern of the proposed subdivision.

The site is designated Office/Research/Industrial on the County Comprehensive Plan with Mixed Use Development zoning. The Mixed Use Development zoning district promotes a mixture of employment, residential, commercial, and/or civic uses for land that is within Community Growth Areas. The project is located in the Ballenger Creek Community Growth Area, and is part of the overall Westview South MXD, which includes a combination of commercial, residential, and employment uses.

The PUD and MXD zoning districts require development that results in an integrated mixture of commercial, employment, and residential, recreational, civic, and/or cultural land uses. Projects in this district should employ planning and design that is broad and integrative, and should result in efficient use of land, innovative design involving flexibility not permitted within the Eucliden zoning districts, and promote building and site design that reduces dependence on vehicular movement.

Phase III continues the same overall design, layout and lot configuration as the adjacent Phase II portion of Westview South with both front-loaded and rear-loaded units.

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies, and the relationship to adjoining subdivisions and land uses, both proposed and existing.

The overall Westview South Residential project integrates Ballenger Creek and an associated public trail network into the design. The Phase III site is flat and does not contain flooding or wet soils, wooded areas, or wetlands. Surrounding retail uses provide support services and a variety of amenities.

- **Block Shape § 1-16-218**

The maximum block dimension shall be 1,800 feet.

Within the entire Westview South Residential project, no block dimension is greater than 1,000 feet. A combination of single-family detached, single-family attached, and multi-family units create inherent variety in the arrangement and size of blocks. The 2 (two) types of townhomes proposed in Phase III continue this variety in block configuration from the remainder of the project.

- **Lot Size and Shape § 1-16-219**

The size, width, depth, shape, orientation and yards of lots shall not be less than specified in the zoning ordinance for the district within which the lots are located and shall be appropriate for the type of development, the use contemplated, and future utilities. Setbacks and height within Planned Development Districts shall be established by the Planning Commission at Phase II as provided in §1-19-10.500.7(F)(2) of the Zoning Ordinance.

The proposed lot dimensions for the Phase III townhome lots are shown below. The lot setbacks for the front-loaded townhomes proposed in Phase III differ from the rear-loaded, alley townhome lots. Smaller setbacks correspond to typical dimensions in urban settings, and are appropriate for Phase III in that it is generally designed with an urban density range and style of layout. The requested setbacks are also intended to provide flexibility to the applicant for building placement on residential lots.

<u>Dimensional Element</u>	<u>Front-Loaded Lots</u>	<u>Rear-Loaded Lots</u>
Minimum Lot Area	1,936 sq. ft	1,088 sq. ft
Minimum Lot Width	22 ft.	20 ft.
Front Yard	20 ft.	N/A
Side Yard	5 ft.	5 ft.
Rear Yard	15 ft.	3 ft.
Max Building Height	50 ft.	50 ft.

Condition

1. Revise cover sheet note no. 3 to reflect the 20-ft. minimum lot width for the rear-loaded, alley lots.

- **Street, Common Driveway and Sidewalk Construction § 1-16-109**

The project shall provide for the complete construction fo street improvements, including drainage facilities as provided in 1-16-234 through 1-16-241 of the Subdivision Regulations and in accordance with the Frederick County Design Manual.

The vehicular transportation system in Phase III provides logical continuation and extension of the street network contained in the approved development phases surrounding Phase III: 1) Continuation of Ironsides Alley to MacDonough Place; 2) Connection of MacDonough Place to Constitution Street; 3) Connection of Revere Lane to MacDonough Place.

There is no change to the general specifications and strategy for the provision of sidewalks in Phase III, except that the inclusion of front-loaded townhomes creates potential obstacles and obstructions for pedestrians using the sidewalks that cross individual driveways if sufficient distance between the garages and sidewalks is not provided. Planning Commission policy is a minimum 20-ft separation; the front-loaded townhomes in Phase III show a 22-ft. separation between the garages and sidewalks. Overall, Phase III continues the sidewalk network from Phase II, promoting safe, efficient movement and completing the pedestrian network in the Westview South Residential project.

- **Right of Way and Paved Surface Widths § 1-16-235**

Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing planned or platted roads.

Streets within Phase III are private roadways and provide appropriate right-of-way and travel lane widths required by the County:

Ironsides Alley: 16-ft. pavement with a 20-ft. right-of-way

MacDonough Place (from Constitution Street to Revere Lane): 20-ft pavement with a 44-ft. right-of-way

MacDonough Place (from Revere Lane to Delegate Place): 27-ft. pavement, with on-street parking (22 ft. x 8 ft.) with a 49-ft. right-of-way

Revere Lane: 16-ft. pavement with a 20-ft. right-of-way

PUBLIC FACILITIES AND UTILITIES

- **Public Facilities – Road Adequacy § 1-16-12**

Whenever a proposed subdivision includes or abuts streets designated on the Highway Plan section of the Comprehensive Plan, the Planning Commission shall require, by dedication to public use, adequate right-of-way for the coordination of roads within the subdivision with other existing planned or platted roads.

The overall project has one limited access point (no left turn movement permitted) to New Design Road (an 80-ft paved width major arterial adjacent to the site). There are also three (3) access points (two full-movement and one right-in only) along Executive Way, which is a designated local roadway that functions as a Collector. Access and proposed site distance at entry points along Executive Way and New Design Road are adequate. Access to the project is not changing with the proposed Phase III lots.

The subdivision will be served by the Westview/United Fire Company. The fire company is located on New Design Road, 0.80 miles from the project.

- **Parks § 1-16-111**

The previously-approved amenities plan for the entire Westview South Residential project is included on sheet 8. The amenities plan contains numerous open spaces, tot-lots, benches, lighting, a community center and swimming pool, and the adjacent Ballenger Creek Trail.

NATURAL FEATURES

- **Land Requirements § 1-16-217(B)**

The subdivision design shall take advantage of the uniqueness of the site reflected by the topography, soils, the wooded areas, water bodies and the relationship to adjoining subdivisions and land uses, both proposed and existing.

A major feature of the overall Westview South Residential project that contributes to its uniqueness is the Ballenger Creek corridor and the associated trail network being developed along the length of the creek. The overall project takes advantage of this adjacent feature by providing a planned connection to the open space corridor and trail along Ballenger Creek. The lots proposed in Phase III do not affect trail access. The site does not contain wet or flooding soils or forested areas.

- **Floodplain Development § 1-16-220**

There is no development proposed in the mapped FEMA 100-year floodplain within Phase III.

Other Applicable Regulations

Moderately Priced Dwelling Units (MPDUs) – Chapter 1-6A: Per Section 1-19-8.620.2, all residential developments consisting of 25 units or more on public water and sewer are required to provide no less than 12.5% of the total units as MPDUs. The overall Westview South Residential project contains 490 dwelling units, therefore 61 MPDUs are required. However, the Applicant has elected to utilize the Payment-In-Lieu of Building (PIL) option as allowed in accordance with § 1-6A-5.1 of the Frederick County Code. The *Second Amended and Restated Moderately Priced Dwelling Units, Payment In Lieu Agreement*, dated February 5, 2018 and recorded at PB 12267, PG 229, must be revised to reflect the current unit yield in Westview South and other details.

Stormwater Management – Chapter 1-15.2: A stormwater management concept plan for this project was approved on December 27, 2016.

APFO – Chapter 1-20:

Note: The original Letter of Understanding for Westview South expired on February 12, 2019, thus requiring new APFO testing since lots were not recorded and vested prior to that expiration. The findings which follow are based on a new test for schools due to changes in the dwelling type mixture from prior phases, and requirement to contribute to existing escrow accounts for roads.

1. **Schools.** Since the development has a valid Development Rights and Responsibilities Agreement (DRRA), which was fully executed prior to July 20, 2016, and enrollments do not exceed 120% of capacities at affected schools in the current year, the project is eligible for the school construction fee option. The project is expected to generate 13 elementary school students, 5 middle school students, and 6 high school students. Based on these numbers and considering enrollment projections from pipeline development, the school adequacy test fails at the elementary, middle, and high school levels, as described in the analysis performed

by Frederick County Public Schools, dated March 5, 2019. The school construction fees shall be paid at plat recordation, based upon the specific fees required by Section 1-20-62, per dwelling unit type and the school level(s) to be mitigated.

2. **Water/Sewer.** While the public sewer and water facilities are currently adequate to serve the project, the Applicant recognizes that capacity is not guaranteed until purchased. Building permit issuance is subject to compliance with the Annotated Code of Maryland, Environment Article Section 9-512, et. seq and all applicable County regulations.
3. **Roads.** The development of Phase III will generate 15 AM and 19 PM trips during the weekday peak-hour of adjacent street traffic. Since the project is projected to generate less than fifty new peak-hour trips, the project is exempt from road adequacy testing per Section 1-20-30(A) of the County Code.

In satisfaction of APFO requirements per §1-20-12(H) that provides for fair share contributions to existing escrow accounts, the developer shall pay \$11,924 into County-held escrow accounts.

The APFO approval is valid for three (3) years from the date of Planning Commission approval; therefore, the APFO approval would expire on June 12, 2022.

Forest Resource – Chapter 1-21:

The FRO plan for the overall Westview South Residential project was approved in 2008 (AP 7278) and the required FRO easements were recorded. The Phase III portion of the overall project does not impact the previously approved FRO.

Historic Preservation – Chapter 1-23: There are no historic resources on this property.

Summary of Agency Comments

Other Agency or Ordinance Requirements	Comment
<i>Development Review Engineering (DRE):</i>	Conditional Approval
<i>Development Review Planning:</i>	Conditional Approval
<i>State Highway Administration (SHA):</i>	N/A
<i>Div. of Utilities and Solid Waste Mngt. (DUSWM):</i>	Approved
<i>Health Dept.</i>	Approved
<i>Office of Life Safety</i>	Approved
<i>DPDR Traffic Engineering</i>	Approved
<i>Historic Preservation</i>	N/A

RECOMMENDATION

Staff has no objection to conditional approval of the preliminary subdivision plan for the development of 42 townhome lots within Phase III of the Westview South Residential project. If the Planning Commission conditionally approves the preliminary subdivision plan, the plan is valid for a period of three (3) years from the date of Planning Commission approval and therefore would be valid until June 12, 2022.

Based upon the findings and conclusions as presented in the staff report the application meets or will meet all applicable zoning, APFO, and FRO requirements once the following conditions are met:

1. Address all agency comments as the plan proceeds through to completion.
2. The revision of cover sheet note no. 3 to reflect the 20-ft. minimum lot width for the rear-loaded, alley lots.
3. Prepare a revised MPDU Payment-in-Lieu Agreement for review, approval, and recordation by the Frederick County Department of Housing and Community Development prior to submitting Preliminary Plan signature sets.

PLANNING COMMISSION ACTION

MOTION TO APPROVE

I move that the Planning Commission **APPROVE** Preliminary Subdivision Plan S-905, AP 19262 and the APFO LOU Amendment (AP 19263) as listed in the staff report for the proposed development of 42 townhome lots on a 3.1-acre site within Phase III of Westview South Residential, based on the findings and conclusions of the staff report and the testimony, exhibits, and documentary evidence produced at the public meeting.

Exhibit # 1 Westview South Residential, Phase III – Preliminary Plan Rendering

